

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2004-091885

12/05/2007

JUDGE PRO TEM DEAN M. FINK

CLERK OF THE COURT

L. Wistuber

Deputy

000240127000

IN RE THE MARRIAGE OF  
HAROLD F PALMQUIST III

HAROLD F PALMQUIST III  
1050 W 8TH AVE #247  
MESA AZ 85210

AND

LISA MARIE PALMQUIST

LISA MARIE PALMQUIST  
7250 S KYRENE RD NO 339  
TEMPE AZ 85283

JOHN VIGILEOS  
AG-CHILD SUPPORT-EAST VALLEY  
OFFICE  
CONCILIATION SERVICES-CCC

MINUTE ENTRY

Prior to commencement of today's proceeding, Petitioner's exhibits 1 through 14 are marked for identification.

(Courtroom 1202) This is the time set for Temporary Orders Hearing on Father's Petition to Modify Child Custody, Parenting Time, and Support. Petitioner/Father is present on his own behalf. Respondent/Mother is present on her own behalf.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

**THE COURT NOTES** that Father is seeking sole custody, supervised parenting time for Mother and a psychological evaluation.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2004-091885

12/05/2007

**THE COURT FURTHER NOTES** and affirms that Judge McNally provided Mother with a deadline of December 14, 2007 by which she must file and mail any Cross-Petition or a Response to Father's Petition to Modify Child Custody, Parenting Time, and Support.

Harold F. Palmquist, III and Lisa Marie Palmquist are sworn.

Harold F. Palmquist, III testifies.

1:44 p.m. The Court stands at recess.

1:51 p.m. Court reconvenes with both parties present.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

Discussion is held regarding exhibits.

Petitioner's exhibits 1 through 14 are received in evidence.

Petitioner's exhibit 15 is marked for identification.

Harold F. Palmquist, III testifies further.

Lisa Marie Palmquist testifies further.

Discussion ensues.

Respondent's exhibit 16 is marked for identification.

2:46 p.m. The Court stands at recess.

3:15 p.m. Court reconvenes with both parties present.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

Discussion is held regarding exhibit 15.

**IT IS ORDERED** that both parents are not to ask the children to make written statements for purposes of use with the Court.

Mother requests that all of the exhibits be sealed.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2004-091885

12/05/2007

Discussion ensues.

**IT IS ORDERED** denying Mother's request at this time without prejudice. Mother may renew her request at the time of trial.

Discussion is held regarding exhibit 16.

Father advises the Court that he no longer has a home phone.

Discussion is held regarding medical insurance for the minor children.

Based upon the parties' testimony and evidence presented to the Court,

**THE COURT FINDS** that the parties have a serious communication issue which may ultimately affect the custody orders in this case. Both parents contribute to the communication difficulties in their own way. There is also a significant level of mistrust between the parties. However, the Court does not find that either parent has proven that there are parental fitness issues requiring a change to the existing custody and parenting time orders on a temporary basis.

**IT IS ORDERED** affirming the existing parenting time orders.

**THE COURT NOTES** that the primary issues in this case are related to the parties' lack of mutual communication and trust, not necessarily bad parenting by either party.

**THE COURT FURTHER NOTES** that it would be ideal to appoint a custody evaluator to perform a mental health evaluation of both parties and the minor children. However, the Court is concerned that the parties may not be able to afford such an evaluation.

In the alternative,

**IT IS ORDERED** affirming the prior order of the Court that the minor children should be interviewed by Conciliation Services.

Based upon a Discipline Report issued by Burke Basic School, particularly information related to an incident on November 28, 2007 (which is contained in Petitioner's exhibit 15),

**THE COURT FINDS** that at least one of the parties' children may be the subject of abuse. There is no clear evidence before the Court at this time that any abuse comes at the hand of either parent, however, both parents have testified about concerns that their child may be

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2004-091885

12/05/2007

subject to abuse. Therefore, the Court will appoint a Best Interests Attorney by separate minute entry to represent the minor children in this matter.

**THE COURT NOTES** that the Court will request that the Best Interests Attorney investigate the issue of abuse.

**THE COURT FURTHER NOTES** that the Best Interests Attorney has the opportunity to file a dependency action if they find it necessary. Further, if during his or her investigation, the Best Interest Attorney determines that a change in custody or parenting time should occur, he or she may raise that issue with the Court in the appropriate forum.

**IT IS ORDERED** that the parties shall immediately obtain counseling for Kevin. Mother should find a counselor available through Cigna.

**IT IS FURTHER ORDERED** that the parties must identify and agree upon a counselor by December 12, 2007. The parties must file a document by December 13, 2007 indicating the name of the counselor they have mutually chosen, or a document stating that they cannot agree on the counselor. If the parties cannot agree on a counselor, the Court directs Mother to submit a list of counselors available through Cigna from which the Court will make the selection. The parties shall also include (in the document to be filed on December 13, 2007) the date of Kevin's first appointment with the counselor. Once Kevin's counseling has commenced, the parties shall obtain a document from the counselor's office which indicates that Kevin's counseling has begun, which the parties are required to file with the Court.

**THE COURT DIRECTS** Mother to provide an insurance card (or a copy of one) to Father so that Father may take the children to medical appointments.

**THE COURT NOTES** that each party may maintain records of information that they provide to each other.

**THE COURT FURTHER NOTES** that the Best Interests Attorney will have access to the counseling records.

**THE COURT FURTHER NOTES** that the Court is concerned that Father did not obtain Mother's permission before withdrawing the minor children from their school and enrolling them at another school.

**IT IS ORDERED** that each party shall provide the other party with a telephone number at which the minor children may be reached when they are in their care. Further, each party must make the children available for telephone contact in accordance with the Court's prior orders. If

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2004-091885

12/05/2007

either party's telephone number/s change or their phone service is disconnected, they must immediately notify the other parent in writing or by phone.

Mother orally requests an Order of Protection against Father.

**IT IS ORDERED** that if Mother submits a Petition for Order of Protection under this case number, this Court is willing to address it.

**IT IS FURTHER ORDERED** that unless the parties have a good faith belief that the children's health is in imminent danger to their health or danger, they are not to contact the police for welfare checks or involve the police at this time.

Petitioner's exhibit 15 and Respondent's exhibit 16 are received in evidence.

**IT IS ORDERED** signing this minute entry as a formal written Order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

3:49 p.m. Matter concludes.

/ s / JUDGE PRO TEM DEAN M. FINK

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JUDICIAL OFFICER OF THE SUPERIOR COURT

**FILED:** Trial Worksheet, Exhibit Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.